

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

ERIC CERVINI, et al.	§	
	§	
Plaintiffs,	§	Civil Action
v.	§	
	§	No. 1:21-CV-565-RP
ELIAZAR CISNEROS, et al.,	§	
	§	
Defendants.	§	

**MESAROS DEFENDANTS' PRETRIAL
FILINGS PURSUANT TO LOCAL RULE CV-16(f)**

Defendants ROBERT MESAROS and JOEYLYNN MESAROS submit the following information pursuant to Western District of Texas Local rule CV-16(f).

1. A list of questions for voir dire of the jury panel

The Mesaroses concur with the proposed questions filed by Plaintiffs and Defendant Park.

2. A statement of the Mesaroses' claims or defenses for purposes of voir dire

The Mesaroses did nothing more than exercise their rights to speech and association in driving along with other Trump supporters on October 30, 2020, in an effort to express their individual and collective support for President Trump's re-election and against the Biden-Harris campaign and the principles it stands for. They never agreed with anyone to attempt to prevent Plaintiffs from engaging in support or advocacy for their preferred candidates, and they never did attempt to prevent such support or advocacy. And while Plaintiffs will point to certain alleged traffic violations by Trump supporters, the Biden bus and its supporters engaged in just as

much if not more violation of traffic laws. Further, Plaintiffs have no evidence of state action nor of any requisite class-based animus. Moreover, even if the Mesaroses' activity could support a cognizable claim under the Klan Act or either state law claim, the Act and/or state law claim would violate the speech and associational rights of the Mesaroses protected by the First Amendment and/or, with regard to the state law claims, the Texas constitution.

3. Proposed stipulated facts

Counsel for the Mesaroses has conferred with counsel for Plaintiffs and other defendants regarding proposed stipulations of fact. The Mesaroses understand that the Plaintiffs are filing a list of stipulations numbered 1 – 12. The Mesaroses have agreed to stipulate to those items submitted by Plaintiffs, **with the exceptions of nos. 6, 7, 8, and 9**. In order to avoid unnecessary duplication, the Mesaroses are not filing the stipulations themselves here.

4. Identification of Exhibits (except those to be used for impeachment only), separately identifying those that the party expects to offer and those that the party may offer if the need arises

See attached Exhibit list. The Mesaroses will be filing an amended exhibit list by Wednesday, July 24, as discussed with Plaintiffs today, and a corresponding motion for leave.

5. Identification of witnesses (except those to be used for impeachment only), separately identifying those whom the party expects to present and those whom the party may call if the need arises;

See attached Exhibit.

6. Names of witnesses whose testimony is expected to be presented by deposition.

None at this time. However, the Mesaroses reserve the right to amend this response in the event a witness is unavailable and/or fails to response to a subpoena to testify at trial. The Mesaroses also note that, as reflected in their attached witness list, they intend to call Hannah Ceh and Kyle Kruger as witnesses. Presently, the witnesses have indicated that they are unavailable to testify beginning on September 13, 2024 through September 22, 2024. Consequently, the Mesaroses request to call Hanah Ceh and Kyle Kruger either before or after these dates of unavailability. Hannah Ceh and Kyle Kruger were named as Defendants in this case, and their testimony is critical to both Plaintiffs and Defendants.

7. Proposed jury instructions and verdict forms.

See attached Exhibit.

8. Proposed findings of fact and conclusions of law.

This item is inapplicable with respect to a jury trial.

9. Motions in limine

None.

10. Estimate of the probable length of trial.

3-4 weeks.

Respectfully submitted,

/s/ Jerad Najvar
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CERTIFICATE OF SERVICE

The undersigned counsel hereby certifies that on July 23, 2024, the foregoing document, and any accompanying exhibits and proposed order, was served by CM/ECF upon all counsel of record. Pro se parties were also served via CM/ECF and as follows:

Steve Ceh

Randi Ceh
Via email

/s/ Jerad Najvar
Jerad Najvar